

Appl. No. 09/654,550
Amdt. Dated October 22, 2003
Reply to Office Action of August 14, 2003

Attorney Docket No. 81754.0040
Customer No. 26021

REMARKS

Applicant appreciates the thorough examination of the application that is reflected in the Office Action dated August 14, 2003. Applicant also appreciates the Examiner's indication that claims 11 and 15 have been allowed. To expedite the prosecution of this application, Applicant cancels claims 5, 12 and 13 without prejudice or disclaimer to the filing of a divisional application to pursue the subject matter of those claims. Cancellation of claims 5, 12 and 13 should not be construed as an admission that those claims are unpatentable over the cited references. Applicant notes that the rejection of claims 5, 12 and 13 was based on impermissible hindsight gleaned from the present application. Moreover, Applicant submits that the Office Action has failed to demonstrate any motivation to modify the cited references as proposed in the Office Action.

Applicant amends claim 14 to correct a typographical error. Applicant believes the foregoing amendments comply with requirements of form and thus may be entered under 37 C.F.R. § 1.116(a) as presenting rejected claims in better form for consideration on appeal. Alternatively, to the extent any of these amendments are deemed to touch the merits, then entry is requested under 37 C.F.R. § 1.116(b). These amendments were not earlier presented because they are in response to the matters pointed out for the first time in the Final Office Action. Applicant also submits that this amendment overcomes the rejection under 35 U.S.C. § 112, first paragraph. Accordingly, Applicant submits that claim 14 is also now in condition for allowance.

Claims 11, 14 and 15 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

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If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6742 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: October 22, 2003

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